

ORDER

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

2000.1A

4/3/69

SUBJ: MONTHLY WORKLOAD REPORT (RIS: GC 2000-1)

1. PURPOSE. This order sets forth instructions and guidelines for preparing, and procedures for submitting, the Monthly Workload Report of the Office of the General Counsel.
2. CANCELLATIONS. This order cancels 2000.1 dated November 29, 1967, "Monthly Workload Report".
3. GENERAL. The Monthly Workload Report FAA Form 2000-1 is intended to serve as a means for measuring, quantitatively, the work of the office. The statistics presented by the report will serve as the basis for management decisions within the office, as "back-up" material for budgetary presentations, for staffing guide formulation, and for other reporting requirements. Accordingly, it is essential that subsidiary records be maintained to the extent necessary to permit an accurate summation at the end of the monthly report period. The form of such subsidiary records will be left to the discretion of each reporting unit.
4. REPORTING PROCEDURE. The Monthly Workload Report shall be prepared following the close of each month and shall cover activities occurring during the closing month. The report shall be prepared by each Division of the Office of the General Counsel (Washington), each Regional Counsel's Office, the Procurement Counsel, AC-7.1, the General Attorney, AC-7.2, and NAFEC Counsel, NA-7. The original copy of the report shall be forwarded to the Office of the General Counsel, GC-1, by the 7th working day following the close of the month.

In addition, a consolidated report shall be prepared at the close of each month (except at the close of the month of July), on the Monthly Workload Report Form. This consolidated report shall contain the total accumulative figures as previously reported for the then current fiscal year. The original of this consolidated report shall be forwarded to the Office of the General Counsel with the Monthly Workload Report.

Distribution: WRCN/GC-2

Initiated By: GC-30

5. PROCEDURES FOR COMPLETING FAA FORM 2000-1.1. Enforcement SummarySection A. Cases Processed.

This section is intended to show the total final actions taken during the month regardless of the time when action was initiated. Indicate in Item 1 the number of General Aviation and Air Carrier enforcement cases still on hand (pending) at the beginning of the month and in Item 2 the number received during the month. Then place the sum total of each of those two in "Total" blank spaces. In Item 4 indicate total Final Actions taken during the month and indicate the total component parts of Final Actions taken as follows:

Item A. Filed - no action (writing of the closing memorandum).

Item B. Civil Penalties - (after receipt of all the money due or return of case by U. S. Attorney and determination that further administrative collection efforts will be fruitless).

Item C. Certificate Actions - (after issuance of order and violator's time to appeal to the National Transportation Safety Board (NTSB) has expired, or upon final disposition by NTSB).

Item D. Other - (include all referrals to other regions, transfers to military or other Government agencies, any medical appeals to NTSB handled by the region).

In item 5 (indicate the number of cases on hand (pending) at the end of the reporting month).

Section B. Initial Actions Taken During the Month.

This section is intended to show initial actions taken during the month as distinguished from Final Actions reported under "Cases Processed."

Item 1. Civil Penalty Letters - (issuance of the initial civil penalty letter).

Item 2. Certificate Actions -

A. NPCA - (issuance of the Notice of Proposed Certificate Action).

B. Emergency Orders.

Section C. Status of Pending Enforcement Actions.

This section is intended to indicate the number of actions which have been initiated but which are not yet final and those reports received by the Regional Counsel on which no initial action is taken.

Item 1. VR's received, no initial action - (report referred to the Counsel by Flight Standards Division but no initial action taken).

Item 2. Certificate Actions -

A. FAA:

(1) Notice of Proposed Certificate Action issued but order not final.

(2) FAA appeal awaiting Decision and Order. (Hearing held but FAA examiner has not yet issued Decision and Order).

(3) FAA order issued before or after FAA hearing, awaiting appeal time expiration.

B. NTSB:

(1) Awaiting NTSB hearing on appeal.

(2) NTSB hearing held - (awaiting Initial Decision).

(3) Awaiting NTSB final order.

C. U. S. Court of Appeals (appeals from NTSB decisions).

Item 3. Civil Penalties -

A. Awaiting compromise - (letter of Civil Penalty forwarded but no compromise submitted).

B. CP's pending with U. S. Attorneys - (cases forwarded to U. S. Attorneys for disposition of civil penalties and not yet settled or proceeded to judgment).

Section D. Amount of Civil Penalties Collected.

Indicate total dollars collected in civil penalties and then show breakdown between: 1. FAA Counsel collections on compromises; 2. By U. S. Attorneys.

II. ENFORCEMENT HEARINGS SUMMARY

The enforcement hearings summary shall indicate the number of formal FAA and NTSB hearings requested, held and pending during the month, not the man-hours consumed. "Conferences" or "informal hearings" are not to be included. The man-hours consumed on all types of enforcement hearings, "formal" or "informal" will be shown in Subpart B, 7 (b) of Part III.

III. ATTORNEY TIME AND WORKLOAD SUMMARY

Reporting Man-Hours

The total of "attorney man-hours available" is composed of two figures, regular time and overtime. Regular time, for the purpose of this report, is to be computed by subtracting sick leave and annual leave from the total of the regular work hours available during the reporting period. Overtime represents hours worked in excess of eight hours per day. Actual time spent in transit should be included as overtime if it occurs during non-working hours. However, to avoid counting weekends away from home as overtime, only the time in transit shall be counted unless, of course, official business is conducted over the weekend. The distribution of the total man-hours available by function shall be made in units of one hour. If subsidiary records of time per function are maintained by fractions of hours, care should be taken in "rounding" to assure that the total is not exceeded.

Also indicate the number of attorney positions authorized and the number actually filled. A position is considered

filled after the attorney receives his appointment regardless of his subsequent leave status during any particular month.

For the various broad categories of functions, subdivided into their components parts, indicate under the "man-hours" column the total number of "man-hours" spent during the month on the particular function. Also indicate the number of cases or matters involved under the "number" columns.

1. "General Legal Services" includes activities, referred to as "house counsel functions" including administrative legal opinions involving subject matters which cannot readily be classified under any of the specifically named categories; federal and state problems; inter-agency agreements, other than reimbursable agreements; registration and recordation problems; directive clearances; land matters, such as condemnation, but excluding all airport land matters; noise matters; state legislation problems, "obstruction evaluation matters and informal airspace hearings," and aviation war risk insurance matters.
2. "Airports" includes all work performed on FAAP matters; airport compliance problems requiring legal input; surplus property (airport) matters; and other airport problems.
3. "Procurement" includes all work performed in the procurement area, including reimbursable agreements, with other government agencies, and any matter involving patents and labor problems associated with procurement contracts.
4. "Legislation, Rules and Interpretations" includes all time expended on drafting, coordination, sign-off and meetings, including Congressional hearings, which involve federal legislation and federal rule-making and the decentralized function of airworthiness directive (AD) preparation. This category includes time spent on preparing interpretations or other opinions involving legislation and rules which are of a general nature and not associated with a specifically named category.

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5. "Tort Claims and Litigation" includes all time expended on preparation of opinions, meetings and sign-offs, associated with tort claims; claims incident to federal service under Public Law 88-558; time expended in tort litigation, both that involving the government as a party and litigation between private parties, when the government has an interest or becomes involved by reason of a need for agency personnel as witnesses, and for documentary evidence or other information in the custody of the agency. It includes litigation in all other areas, except enforcement, in which the agency is a party or has a direct interest or furnishes testimony or documentary evidence. Handling of requests for release of information is also included in this category.
6. "Accidents" includes all time associated with an aircraft, automobile or other accident, including participation by attorneys during the investigation phase, hearings and depositions, preparation of legal opinions, or such other participation as may be required.
7. "Enforcement" includes all work connected with the handling of the enforcement program of the agency, including legal review of cases; civil penalty letters, acceptance letters and all pleadings involved in certificate actions; representation of the agency at administrative hearings or trials in district court where FAA legal participation is appropriate; and all legal advice rendered, opinions written or interpretations given in a specific enforcement case. (Interpretation in general not associated with a case should be placed under "Legislation, Rules and Interpretations"). This category does not include preparation of policy and procedures in the enforcement area, this being a function under managerial functions.
8. "Personnel Matters" includes any legal services provided to agency officials associated with personnel legal matters including the preparation and review of correspondence, statements, letters of charges; representation of deciding officials at adverse action hearings, both agency and Civil Service; such post-case activities as may be

associated with this category, including legal advice to appeal officials in adverse action cases; conflict of interest matters under Part 199, and legal determinations under Public Law 83-737.

9. "Managerial Functions" includes the following functions:

"Planning-Programming-Budgeting". This involves the detailed planning of work to be done the following year; the translation of these plans into a proposed budget with the preparation of related justifications; the re-planning or programming necessary to translate an approved budget into plans and project schedules. This sub-category includes conferences, guidance given to attorneys, review of their efforts, and all required coordination. It includes both re-programming during the year and work on the agency five-year plan.

"Evaluation". This sub-category consists of regional evaluation of legal operations by office review of work product, either in detail or through sampling, preparation of findings where appropriate, including recommendations for improvements, and all related travel.

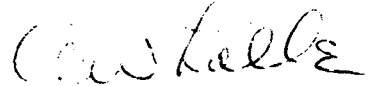
"Policy Interpretation and Procedure Development". This includes headquarters, regional, and area review of higher headquarters proposed directives and suggestions to them of policy changes; advice to areas on intent or application of prescribed national policies and directives; preparation of needed regional or area procedures, methods, or work instructions, including those required to supplement national procedures.

"Research and Staff Work". This involves attendance at staff meetings and conferences not involving or related to specific projects or cases, and staff assistance rendered either in person, or by field visits, telephone consultation, or memoranda. Also included would be interviewing and selecting personnel. Routine

review of an individual case should be excluded. However, time spent in all general reading done by attorneys of material such as office bulletins, law releases, aviation magazines, Congressional Records, should be included in this sub-category.

"Miscellaneous Headquarters Activities." This sub-category includes public contacts not a part of any identifiable program, contacts with other agencies, participation in training courses and conferences, and review of agency directives not related to legal functions.

10. "Travel on Official Business" includes total time actually spent in traveling (but not including all time spent in travel status), even if performed during non-duty and weekend hours, when not actually engaged in working on a matter listed and accounted for, above. If travel time is logged after normal working hours, all such actual travel time should be listed as overtime.
6. FORMS. FAA Form 2000-1, "Monthly Workload Report," FSN 0052-097-1001, unit of issue: Sheet, is stocked by the FAA Depot and is available through normal supply channels.


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